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National Institute of Education

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EXPERIMENTAL PROGRAM FOR OPPORTUNITIES IN ADVANCED STUDY AND RESEARCH IN EDUCATION

Final Rule for Awarding Federal Funds

[4110-39]

Title 45—Public Welfare

CHAPTER XIV—NATIONAL INSTITUTE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1430—EXPERIMENTAL PROGRAM FOR OPPORTUNITIES IN ADVANCED STUDY AND RESEARCH IN EDUCATION

Final Rule for Awarding Federal Funds

AGENCY: National Institute of Education (NIE), Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: This rule governs a discretionary program of experimental grants to improve opportunities for individuals to obtain high quality expertise and experience in educational research, emphasizing such opportunities for minority persons and women. It states eligibility requirements, funding criteria, and other rules for the administration of the program which includes both institutional grants and special projects. It affects eligible institutions by defining the types of projects to be funded and the competitive procedures and standards for securing the best projects.

EFFECTIVE DATE: This regulation will become effective 45 days after it is transmitted to Congress unless Congress disapproves the regulation or takes certain adjournments. If you want to know the effective date of this regulation, call or write the National Institute of Education contact person.

FOR FURTHER INFORMATION CONTACT:

Richard Werksman, Regulations Officer, Office of Administration and Management, National Institute of Education, Room 639-B, Mail Stop 33, 1200 19th Street NW., Washington, D.C. 20208, 202-254-7924.

SUPPLEMENTAL INFORMATION: Under the authority of section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e), a notice of proposed rulemaking which set forth proposed procedural and substantive requirements and criteria governing the submission and review of applications for funds under the experimental program for opportunities in advanced study and research in education was published in the FEDERAL REGISTER on February 28, 1978 (43 FR 8234). Interested persons were invited to submit written comments concerning the proposed rule. Five persons submitted comments. Listed below are the comments received and the response to each.

A. BACKGROUND

This program emphasizes the development of advanced levels of expertise in the field of educational research and related work. The primary target populations for this program are minority persons and women who already have acquired expertise or experience that is pertinent to educational research, but who are underutilized or not regularly employed in doing such work. The program is expected to be of interest, for example, to minority persons and women who are: (1) In professional positions where other responsibilities have prevented the development of research ideas, (2) in research positions that do not permit full use of their expertise and capabilities, or (3) outside the regular workforce that is involved with education and educational research. While needs also exist at earlier levels of training and professional development, there are substantial numbers of highly qualified persons already at advanced levels whose capabilities are not well utilized. The priority of this program is to improve utilization of those existing capabilities. The regulation also allows for support of activities for experienced professionals at the predoctoral level and for other full-time predoctoral study where a specific justification is provided.

B. DISCUSSION OF COMMENTS

Four commenters expressed concern about the emphasis of the program upon post-doctoral and experienced professional levels rather than upon predoctoral and earlier levels (§ 1430.7(a)). Programs at the predoctoral level for experienced professionals, as defined in § 1430.3(c), and programs at the post-doctoral level are of equal priority for both institutional grants and special projects. Development of advanced levels of expertise is considered a priority for institutional grant projects funded through the program because other sources of public and private funding provide opportunities for study at baccalaureate and other predoctoral levels. Few opportunities for study at advanced and post-doctoral levels are available under other sources, especially in fields that are closely related to research on educational problems. There is no change in the regulation.

One commenter expressed concern that "* * * care was not taken to include women-controlled and minority-controlled institutions as grantees" (§ 1430.4(a)). The commenter proposed that special consideration be given for women-controlled and minority-controlled institutions as deliverers of the services to be awarded through this program. Although not separately indicated in the regulation, applications are encouraged from women-controlled and minority-controlled institutions, firms, or organizations that possess the necessary capabilities. These applicants will not receive special or separate consideration as a group, but it is an intent of this program, to the extent practicable, to support projects representing different types of institutions, agencies, and organizations that are engaged in educational research, including, for example, those which are minority controlled or women controlled. The regulation indicates at § 1430.10(b)(4)(i) that demonstrated commitment of the applicant to equal educational opportunity and equal employment opportunity is a criterion for evaluating proposals for funding. There is no change in the regulation.

Another commenter inquired, "How can the non-discrimination requirement (§ 1430.11) be met in a project which is directed specifically at minority persons and women?" Discrimination on the basis of race or sex is specifically and categorically prohibited. This program is not exempt from any Federal statutes or regulations that prohibit discrimination, including those that prohibit discrimination against any person on grounds of race, color, sex, national origin, age or handicap. The program covered by this regulation is targeted upon finding ways to meet needs and remove barriers to participation of specified groups, but individuals from other groups will not be excluded from involvement in the program on grounds of race or sex. A major objective of the program covered by this regulation is to develop, within the governing framework of civil rights statutes and regulations, additional means of increasing participation of women and minorities in educational research. There is no change in the regulation.

A commenter suggested that the proposed regulation would be clearer if the title indicated that the program provides opportunities for training. The term "training" was not chosen to describe this program because of the limited connotation generally associated with the term. Participants will learn through a variety of modes, including research and self-directed study, interaction with colleagues, internships and seminars. It is felt that "advanced study and research" provides a better general description than the term "training," even though the latter term may be appropriate for some individual activities that are supported. There is no change in the regulation.

C. CHANGE IN THE REGULATION

The only change adopted in the regulation is the addition of language in

§ 1430.5(b) clarifying how funds will be allocated between institutional grants and special projects. It is anticipated that funds made available for this program will be allocated about equally between the two types of projects, but the Director reserves the right to allocate the funds in accordance with the number and quality of proposals that are received.

D. DRAFTING INFORMATION

The principal author of this regulation is John C. Egermeier, Dissemination and Resources Group. Individuals from both the educational and research communities also participated extensively in developing the substance of the regulation.

APPLICATION INFORMATION

The publication of this final rule is not an invitation to submit applications. A notice of closing date of June 29, 1978, for fiscal year 1978 applications was published in the FEDERAL REGISTER on February 28, 1978 (43 FR 8238). Application instructions and program information are provided by the Program Staff, Experimental Program for Opportunities in Advanced Study and Research in Education, National Institute of Education, 1200 19th Street NW., Washington, D.C. 20208, telephone 202-254-5929.

(Catalog of Federal Domestic Assistance No. 13.950, Educational Research and Development.)

Dated: May 22, 1978.

PATRICIA ALBJERG GRAHAM,
Director, National Institute of Education.

Approved: July 22, 1978.

HALE CHAMPION,
Acting Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by adding to subchapter B of chapter XIV, a new part 1430, reading as follows:

Sec.
1430.1 Scope.
1430.2 Purpose.
1430.3 Definitions.
1430.4 Eligible applicants.
1430.5 Eligible projects.
1430.6 General requirements.
1430.7 Additional requirements for institutional grants.
1430.8 Additional requirements for special projects.
1430.9 Application requirements.
1430.10 Evaluation criteria.
1430.11 Nondiscrimination.
1430.12 Allowable costs.
1430.13 Duration of program assistance.

AUTHORITY: Sec. 405, General Education Provisions Act, as amended (20 U.S.C. 1221e).

§ 1430.1 Scope.

(a) This part establishes procedural and substantive requirements and criteria for applications and awards under the experimental program for opportunities in advanced study and research in education.

(b) Applications submitted and assistance provided under this part will be subject to applicable general provisions for NIE grants (45 CFR Parts 1400-1424) relating to fiscal, administrative, and other matters, except to the extent that such provisions are inconsistent with, or expressly made inapplicable by, provisions in this part.

§ 1430.2 Purpose.

(a) Awards under this part support projects to:

(1) Demonstrate exemplary ways of providing opportunities for advanced study and experience relevant to employment and advancement in the field of educational research, emphasizing opportunities for women and minority persons; and

(2) Develop more effective ways of providing these opportunities through research and experimentation.

(b) A purpose under this grant program is to increase the quality, relevance, and credibility of work performed in the field of educational research by increasing the number of highly qualified women and minority persons who work in this field.

§ 1430.3 Definitions.

As used in this part:

(a) "Educational research" means the entire range of research-related activities, including basic and applied research, planning, surveys, evaluations, investigations, experiments, developments, or demonstrations in the field of education.

(b) "Minority persons" means individuals who are black, Hispanic, American Indian, or Asian/Pacific Islander.

(c) "Experienced professional" means a person with 1 year or more of graduate education that is relevant to educational research and 1 or more years of related professional work experience.

§ 1430.4 Eligible applicants.

(a) A college, university, State department of education, local educational agency, other public or private agency, organization, or group, or any combination of these, is an eligible applicant.

(b) Applications from for-profit organizations must be submitted in accordance with criteria specified in this part and in Department of Health, Education, and Welfare (HEW) procurement regulations, subpart 3-4.52 (41 CFR Part 3-4), and, if successful, are awarded contracts rather than grants.

§ 1430.5 Eligible projects.

(a) Two types of projects are eligible for funding under this part:

(1) Institutional grants; and

(2) Special projects.

(b) It is anticipated that funds made available for this program will be allocated about equally between the two types of projects, but the Director reserves the right to allocate the funds in accordance with the number and quality of proposals that are received.

§ 1430.6 General requirements.

Each project must:

(a) Develop and demonstrate effective ways to overcome barriers to employment and advancement of minority persons or women in educational research;

(b) Provide information and advanced study opportunities needed especially by women and minority persons who are preparing for employment in educational research or who are seeking ways to improve utilization of their educational research capabilities;

(c) Provide arrangements for obtaining advice on the application of concepts and methods from relevant scholarly fields and disciplines to strengthen educational research or other proposed activities;

(d) Provide mentors and role models who can provide advice about gaining access to essential communication channels in educational research;

(e) Insure participation of minority group members and women in planning and continuing advice of the project;

(f) Provide a detailed report and assessment of work carried out by the project;

(g) Provide for cooperation of the grantee with a contractor to be designated by NIE to evaluate projects funded under this part; and

(h) Prepare and disseminate information about:

(1) The nature and progress of the project;

(2) The results of the project; and

(3) Recommendations and instructions for adopting the project design in whole or in part in other locations.

§ 1430.7 Additional requirements for institutional grants.

Each project supported by an institutional grant must:

(a) Support opportunities for individuals at postdoctoral or experienced professional levels to conceive and conduct educational research that reflects concerns and perspectives of women and minority persons (assistance for full-time predoctoral graduate study may be supported where

clearly justified by special needs of a target population but is not a priority); and

(b) Develop and implement a set of policies and practices that strengthen and enhance the involvement, professional growth, and opportunities for advancement of minority persons and women within one or more units of the grantee.

§ 1430.8 Additional requirements for special projects.

Each project supported by a special project grant must:

(a) Provide information and short-term advanced study opportunities, including, but not limited to, workshops, seminars, short courses, or brief residential programs, that emphasize specific needs of minority persons and women who are preparing for, entering, or advancing within careers related to educational research;

(b) Develop and demonstrate replicable, short-term activities that address one or more of the following objectives:

(1) *Increase the inclusion of women and minority persons in informal communications and sponsorship networks.* Projects in this area must provide information about, or access to, groups or individuals who informally share knowledge of training and employment opportunities, funding sources, and substantive research developments.

(2) *Assist midcareer entry and reentry into educational research.* Projects in this area must provide methods to: (i) Create interest in educational research on the part of established researchers in other fields whose insight and disciplinary background could contribute to educational research, or (ii) enhance career opportunities for persons with appropriate academic credentials and experience who are not currently engaged in research.

(3) *Clarify and gain acceptance for nontraditional research areas or approaches.* Projects in this area must provide methods for defining and assessing priorities, and gaining acceptance of research on topics associated with the needs and status of minority persons and women.

(4) *Provide for development of specific skills needed in educational research and related work.* Projects in this area must provide specific skills to enhance opportunities for employment and advancement, emphasizing opportunities for minorities and women. Among these skills are quantitative skills and skills in the synthesis and transformation of knowledge into forms that are readily usable by educational policymakers and practitioners.

(5) *Increase the publication and dissemination of results of significant educational research performed by minority persons and women.* Projects in this area must provide information or training about completion of substantial reports, achieving publication, and assisting investigators in framing subsequent lines of inquiry or development.

§ 1430.9 Application requirements.

(a) An applicant must submit an application in the form and in such detail as the Director shall require.

(b) Each application must show how the project will meet the requirements in:

(1) Section 1430.6, and

(2) Section 1430.7 or § 1430.8, as appropriate.

§ 1430.10 Evaluation criteria.

The Director takes into account the following considerations when evaluating applications:

(a) The extent to which the funding helps to provide, as far as practicable, a wide distribution of opportunities for advanced study and research on educational problems in a variety of institutions throughout the United States, and

(b) The extent to which the proposed project ranks high on the criteria set forth below, with maximum weights for each criterion as shown:

(1) Significance of the proposed project for increasing participation and impact of women and minorities in educational research (30 percent), including potential contributions in:

(i) Assisting individuals;

(ii) Assisting the grantee and other institutions;

(iii) Developing knowledge, information, or models needed to advance the objectives of this program.

(2) Quality of design and planning for the proposed project (20 percent), including such considerations as:

(i) Adequacy and appropriateness of proposed design and methods in relation to objectives;

(ii) Likelihood that the project can be carried out successfully; and

(iii) The extent to which the applicant exhibits thorough knowledge of pertinent previous and concurrent work and relates the proposed project to it.

(3) Qualifications of project director and other key personnel (15 percent), as evidenced by:

(i) Background and successful previous experience directly relevant to requirements of the proposed project;

(ii) Quality and relevance of analysis and discussion in the application; and

(iii) Relevant academic preparation.

(4) Commitment of applicant to objectives of the program (20 percent), as evidenced by:

(i) Demonstrated commitment to equal educational opportunity and equal employment opportunity;

(ii) Specific plans for utilizing results of the proposed effort within the applicant institution;

(iii) Significant participation of relevant leadership personnel within the institution in developing and implementing the project; and

(iv) Commitment to maintain or increase existing efforts relevant to the objectives of the proposed project.

(5) Adequacy of facilities in relation to the requirements of the proposed project (5 percent).

(6) Reasonableness of the budget for the work to be done and the anticipated results (10 percent).

(c) Evaluation criteria set out in § 1403.10(b) of this chapter do not apply to this program.

§ 1430.11 Nondiscrimination.

(a) Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (73 Stat. 252, 42 U.S.C. 2000d et seq.) which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing title VI, which is applicable to grants made under this part, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(b) Attention is also called to the requirements of title IX of the Education Amendments of 1972 and in particular to section 901 of such act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance (see 45 CFR part 86).

§ 1430.12 Allowable costs.

(a) Research activities conducted under this part by institutions of higher education are subject to cost principles set forth in part I of appendix D to part 74 of this title (see § 1405.32(a)).

(b) (1) Training activities conducted under this part by institutions of higher education are subject to the cost principles set forth in part II of appendix D to part 74 of this title (see § 1405.32(b)).

(2) An overhead rate may not exceed 8 percent of total direct costs of the training activities.

(c) Cost principles for awards under this program to institutions other than institutions of higher education are set forth in §§ 1405.30-1405.35.

(d) Support is provided on the basis of approved budgets for each period of 12 months, or less, and may include:

(1) Institutional costs of conducting proposed activities, including staff salaries, supplies, and other instructional costs;

(2) Other direct costs of research and related work conducted within an institutional grant project;

(3) Stipends for participants in institutional grant projects, as follows:

(i) Assistance under this program for participants who are other than full-time predoctoral graduate students may be requested at rates up to regular salary equivalents;

(ii) Assistance under this program for participants who are full-time predoctoral graduate students will be paid in accordance with prevailing rates for comparable programs. Any deviations from those limits must be obtained prior to the award.

(4) Stipends for participants in special projects, as follows:

(i) Assistance may be requested at a rate of up to $30 for each full day of participation, but not to exceed $150 a week.

(ii) For partial days involving less than 5 hours of attendance, the payment for this attendance may not exceed the rate of $6 per hour, subject to the weekly limit of $150.

(iii) Any deviations from those limits must be obtained prior to award.

(5) Tuition costs, fee, and other necessary costs, including child care.

(e) Cost sharing is a requirement in all grant awards as set out in part 1407.

§ 1430.13 Duration of program assistance.

(a) Grant awards made under this part may be up to 3 years in duration.

(b) An application for assistance for a period longer than 12 months must be accompanied by:

(1) An explanation of the need for multiyear support;

(2) An overview of the objectives and activities proposed for each year; and

(3) Budget estimates to attain these objectives in any subsequent year.

(c) If the Director finds that the application demonstrates that multiyear support is needed to carry out the proposed program, she may, in the initial notification of grant award, indicate an intention to assist the program on an appropriate multiyear basis through continuation grants.

(d) Continuation grants are subject to availability of funds and, consequently, are made only in response to an application in each subsequent fiscal year and upon a determination by the Director that:

(1) The grantee has complied with the grant terms and conditions, the act, and the regulation; and

(2) The program has met its original goals to date; or will do so as the result of constructive changes proposed by the ongoing evaluation.

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